

**EXHIBIT A**

**EL RITO COMMUNITY DITCH ASSOCIATION'S**

***DECLARATION OF THE TIEMPO SYSTEM OF WATER ALLOCATION CUSTOMS***

STATE OF NEW MEXICO            )  
  )    ss.  
COUNTY OF TAO                 )

I, Lucas Trujillo, being duly sworn, and being over the age of eighteen and competent to make this statement, states as follows:

1. I am the current President of the El Rito Community Ditch Association. I have lived in the community of El Rito for 68 years, all my life, and have been a member of the El Rito Community Ditch Association for all of my adult life.

2. The community of El Rito is divided into two plazas: Plaza Arriba and Plaza Abajo. There are eleven (11) acequias that serve the Community of El Rito. The eleven El Rito Acequias are all tied together not only by the river, from which water is diverted at six different points of diversion, but also by one another as many of the acequias join together to form a single, intricate system under the administration of a single commission of three members that supervises two mayordomos, one for Plaza Arriba and one for Plaza Abajo, who manage the distribution of water.

3. The Plaza Arriba ditches include: Acequia Alires, Acequia Viterbo Alires, Acequia Duranes, Acequia Monte, Acequia Camino, Acequia Medio, Acequia Madre, Acequia Estero and Acequia Otra Vanda (a.k.a Acequia Trujillo). The Plaza Abajo ditches include: Acequia de la Plaza, Acequia Medio Abajo, (a continuation and part of Acequia Medio), Acequia Madre Abajo (a continuation and part of the Acequia Madre), Acequia del Alto (a continuation and lateral of Acequia Madre) and Acequia Jaral.

3. The management of water diverted from the acequias that comprise the El Rito Community Ditch Association is governed by a local custom known as the *tiempo* system. The underlying traditions of sharing water, of rotating the water between the upper and lower acequias, and of requiring community labor to maintain the ditch continue to be the operating rules for the community ditch system.

4. The *tiempo* system is a community-based structure for water sharing and distribution. The system does not anticipate that any ditch or user has priority over another. The system does not attempt to fix quantity to a particular place, but anticipates that the available water will be shared by *parciantes* making efficient use of water during chronically short periods.

5. The *tiempo* system serves many functions: it is a book-keeping system to ensure the collection of adequate acequia dues; a means of determining the amount of water that each *parciante* is entitled to during times of shortage; and a system of assessing the labor each *parciante* is required to provide to the association for maintenance of the ditch. Labor assessments are called *limpias*.

6. When there is an abundance of water (*tiempo de abundancia*) water is not distributed on a rotation basis. *Parciantes* in good standing are allowed to use water as needed under the supervision of the *mayordomos*.

7. When, in the judgment of the elected Commissioners, the amount of water in the stream is not sufficient to irrigate all land, the *tiempo* system is implemented according to local custom.

8. When the elected Commission implements the *tiempo* system, *parciantes* receive water according to a system of rotation as follows:


- a. Daytime *tiempos* run for six hours: from 6 a.m. to 12:00 p.m. or from 12:00 p.m. to 6:00 p.m.
  - b. Nighttime *tiempos* run for twelve hours, from 6:00 p.m. to 6:00 a.m.
9. The time that *parciantes* receive their water is determined by their place on the ditch and the flow of the stream.
10. Historically, the number of days that the *tiempos* rotate between Plaza Arriba and Plaza Abajo ditches has changed. The Commission can elect to rotate the delivery schedule between the plazas according to their determination of available water.
11. The Commissioners can alternate the rotation schedule, beginning either in the Plaza Arriba or Plaza Abajo. Once a rotation has begun in one plaza, water is delivered sequentially to *parciantes* down one acequia, and then moved to the next acequia and delivered sequentially to the *parciantes* down that acequia.
12. The rotation for one plaza is not necessarily completed in that plaza before the water is rotated to the other plaza. When water is returned to the first plaza, watering continues from the point at which it ceased on the previous rotation.
13. When the *tiempo* system is in place more than one *parciantes* can irrigate at the same time, depending on how much water is available.
14. *Parciantes* can own one or more *tiempos*:
- a. *Tiempos* do not correspond to the number of acres owned;
  - b. Over the years, in some cases, *parciantes* have purchased and sold *tiempos* separately from the land for use within El Rito's Community Ditches;
  - c. *Parciantes* pay dues in accordance with the number of *tiempos* owned;

- d. *Parciantes* cannot irrigate if they fail to pay dues or are otherwise not in good standing with the *acequia* as specified in the Association bylaws.
- e. All *parciantes* in good standing are permitted one vote per member; the number of *tiempos* owned does not determine the number of votes.
15. *Tiempo*s shall not be broken into units less than one (1) *tiempo*.
16. When the water is insufficient for irrigation, in the judgment of the elected Commissioners, water is allocated for (a) small gardens (b) orchards (c) livestock use and (d) for other domestic use including recharge of community wells.



  
LUCAS TRUJILLO

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by Lucas Trujillo on  
the 23<sup>rd</sup> day of April, 2007.

  
Notary Public

My Commission Expires:

Oct 14 2007